



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Thirteenth Congress
Third Regular Session

HOUSE BILL NO. 5732

Introduced by Honorable Carmen L. Cari

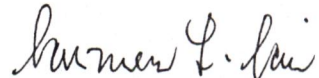
EXPLANATORY NOTE

This bill seeks to professionalize the practice of cosmetology in the Philippines and to guarantee a more effective government supervision and control over practicing cosmetologists in the interest of the general public. Cosmetology is not just a simple trade or occupation. It involves public interest as it deals with the health, comfort and safety of the public. As such, it necessitates state regulation.

Unlike in other countries, cosmetology is not recognized as a regular profession in the Philippines. We are left behind by other developing countries because they are able to produce highly competitive practitioners of cosmetology internationally. Cosmetology services, however, demand formal education with academics in a cosmetology school, thorough training and practice. If regulated, these services will benefit patrons, legitimate cosmetologists, and the government alike. Patrons are assured of quality, reliable and safe service. Also, licensing and registration will mean more government income.

For this purpose, the bill aims to establish a governing body for the cosmetology industry, a cosmetology board that will regulate, set standards, supervise, improve and ensure the quality of education and graduates in cosmetology. The Board is also mandated to conduct licensure examinations for practitioners in order to curtail if not stop malpractices of "quack" or bogus cosmetologists and to protect public health, safety and welfare against harmful and unhealthy practices of cosmetologists.

In view of the foregoing, the approval of this bill is earnestly sought.


CARMEN L. CARI



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AN ACT
REGULATING THE PRACTICE OF COSMETOLOGY IN THE
PHILIPPINES AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives in Congress of the Philippines assembled:

SECTION 1. **Short Title.** – This Act shall be known as the
“*Philippine Cosmetology Act of 2006.*”

SEC. 2. **Objective.** – This Act shall provide for the supervision,
control and regulation of cosmetology in the Philippines.

SEC. 3. **Definition of Terms** – As used in this Act, the following
terms shall mean:

(a) “*Cosmetology*” refers to the art or practice of performing or
offering to perform for compensation any of the following practices:

(1) Treating a person’s hair by:

- (i) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;
 - (ii) providing a necessary service that is preparatory or ancillary to a service under paragraph (i), including bobbing, clipping, cutting, or trimming; or
 - (iii) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;
- (2) Weaving or braiding a person's hair;
 - (3) Shampooing and conditioning a person's hair;
 - (4) Servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in subparagraph (1);
 - (5) Treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, or trimming;
 - (6) Cleansing, stimulating, or massaging a person's scalp, face, neck, or arms by:

- (i) using a hand or by using a device, apparatus, or appliance; and
 - (ii) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;
- (7) Beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
- (8) Administering facial treatments;
- (9) Removing superfluous hair from a person's body using depilatories or mechanical tweezers;
- (10) Treating a person's nail by:
- (i) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or
 - (ii) attaching false nails; or
 - (iii) massaging, cleansing, treating or beautifying a person's hands or feet.

(b) "*Cosmetologist*" refers to any licensed person who, for a fee or compensation, performs or engages in the art or practice of cosmetology as defined on paragraph (a) of this Section.

(c) "*Cosmetology School*" refers to any government accredited school or institution offering cosmetology courses with approved curriculum

under the Technical Education and Skills Development Authority (TESDA), which holds itself as a school or institution to teach and train other person or persons the theory, practice and clinical education of cosmetology as provided in this Act;

(d) “*Commission*” refers to the Professional Regulation Commission;

(e) “*Cosmetology Operator*” refers to a person who holds a license issued by the Board to operate or run a beauty shop or salon or any establishment engaged in or performing any of the practices of cosmetology as defined in this Act.

(f) “*Cosmetology Instructor*” refers to a person who holds a license issued by the Board to teach or instruct a person in any practice of cosmetology. To be eligible for an instructor license, an applicant must:

(1) be at least twenty-one (21) years of age;

(2) have completed secondary education;

(3) have completed:

(i) a course consisting of 750 hours of instruction in cosmetology courses and methods of teaching in a licensed cosmetology school; or a vocational training program of a government post secondary institutions; or

(ii) at least five (5) years of working experience as a cosmetologist and 250 hours of instruction in cosmetology in a government-approved training program.

(g) “*Board*” refers to the Board of Cosmetology with the mandate to set standards, regulate, supervise, improve and ensure the quality of graduates, control and conduct licensure examinations for the practice of hairdressing and cosmetology;

(h) “*Licensing*” refers to the process by which the Commission, through the recommendation of the Board, grants permission or license to any person to engage in any practice of cosmetology: *Provided*, That the applicant has passed the licensure examination given by the Board or has attained the minimum number of years of experience in order to qualify for a license without taking the license examination;

SEC. 4. ***Board of Cosmetology.*** – For purposes of the effective implementation of this Act, there is hereby created a Board of Cosmetology, herein referred to as the Board, under the general supervision and control of the Professional Regulation Commission which shall be composed of a Chairman and four (4) members representing the various specializations and sectors of the profession. The Chairman and members of the Board shall be appointed by the President of the Philippines from a list of recognized

cosmetologists nominated by the different cosmetological associations, cosmetologists, operators of duly accredited cosmetology schools.

SEC. 5. ***Qualifications.*** – The Chairman and the members of the Board shall, at the time of their appointment, be:

- (a) A citizen and resident of the Philippines;
- (b) At least thirty-five (35) years old;
- (c) of good moral character and integrity;
- (d) A graduate of any cosmetology course of a duly accredited government cosmetology school offering comprehensive courses in cosmetology and licensed as such: *Provided*, That in the case of the members of the Board first appointed under this Act, they shall automatically be conferred professional licenses in cosmetology upon appointment to the Board;
- (e) Engaged for at least ten (10) years in the practice of cosmetology or had teaching experience in cosmetology for the same period of time;
- (f) Has no financial interest, directly or indirectly, in any school or institute where the cosmetology course or review class is conducted; and
- (g) Not an elected officer of any professional association or organization of his or her profession or federation or its equivalent.

Paragraphs (f) and (g) shall be inapplicable to members of the Board first appointed: *Provided, however,* That upon taking oath, they shall forego their membership or interest in the faculty, business and office, respectively.

SEC. 6. ***Term of Office.*** – The members of the Board shall hold office for a term of three (3) years from the date of appointment or until their successors shall have been appointed and duly qualified and may be re-appointed for another term: *Provided,* That the members of the Board first appointed shall hold office for the following terms: the Chairman for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year, which shall be specified in their appointment. Thereafter, the chairmanship shall be determined on the basis of seniority in the appointment. Any vacancy occurring within the term of a member shall be filled for the unexpired portion of the term only. The members of the Board shall take their oath of Office before they enter into the execution of their office.

SEC. 7. ***Meetings.*** – The Board shall hold an annual and regular meetings at such times as the rules of the Board may provide, but not less than four (4) times a year. Special meetings may also be held upon call of the Chairman or request by a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the Board. A quorum of the Board shall consist of a majority of its members.

SEC. 8. *Powers and Duties.* – The Board shall have the following powers and duties:

- (a) Administer oaths;
- (b) Issue, suspend, or revoke license for the practice of cosmetology or to reissue the same;
- (c) Authorize expenditures deemed necessary to carry out the provisions of this Act from funds made available to the Board in accordance with law;
- (d) Fix and revise the schedule of fees for licensing of cosmetologists in accordance with the rules and regulations of the Professional Regulation Commission;
- (e) Designate the dates or the period within which applications for examinations may be received and the names of eligible applicants for examination transmitted to the offices of the Civil Service Commission and the Professional Regulation Commission;
- (f) Prepare, supervise, check and rate the licensure examination;
- (g) Keep a record of action taken on all applications for licensure; the names of all persons licensed or certified; actions involving suspension, revocation or denial of license; recommendations for reciprocity; receipt and disbursement of any monies; and such other matters that may be required by law;

(h) Promulgate a set of ethical and professional standards for the practice of cosmetology in the Philippines and cause the same to be published and disseminated;

(i) Inspect beauty salons, skin, facial and body care treatment centers and other related establishments engaged in cosmetology to verify that the persons practicing cosmetology therein are licensed cosmetologists and that they possess the necessary instruments and facilities in carrying out their functions; and

(j) Perform such other functions and duties as may be necessary to carry out the objectives of this Act.

SEC. 9. *Compensation and Allowances.* – The members of the Board shall each receive an honorarium of one hundred thousand pesos (P100,000.00) annually, plus ten (P10.00) pesos per candidate examined. The Chairman of the Board shall receive no extra compensation.

SEC. 10. *Removal from Office.* – Any member of the Board, including the Chairman, may be removed for incompetence, malpractice, unprofessionalism, immorality, unethical or dishonorable conduct.

SEC. 11. *Licensure Examination.* – Any person may apply to take the licensure examination for a cosmetologist which shall be given once a year by furnishing evidence satisfactory to the Board that he is:

(a) A citizen and resident of the Philippines;

- (b) At least twenty-one years of age;
- (c) Of good moral character; and
- (d) A graduate of a two-year cosmetology course from a duly accredited cosmetology school.

SEC. 12. *Admission to Examination.* – The Board, with the approval of the Commission, shall promulgate and adopt such rules and regulations as may be necessary to implement or carry out the provisions of this Act, especially those relating to the scope of examination for cosmetologists, proper conduct of the examinations, custody and correction of examination papers, registration of cosmetology practitioners and operators.

The Board shall have control and jurisdiction over the examination papers from the time the same is being prepared, printed and distributed to the examinees, during the checking or corrections up to the time the list of successful examinees is released to the newspapers of general circulation in the country.

SEC. 13. *Licensure without Examinations.* – Within four (4) years after the effectivity of this Act, the Board shall issue a license without examination to applicants who have been practicing cosmetology for at least ten (10) years, upon submission of the applicant to the Board of any

evidence or proof satisfactory to the Board showing a specific record of not less than ten (10) years of active practice as cosmetologist.

SEC. 14. *Secretary.* – There shall be a Secretary of the Board who shall be appointed by the Chairman upon recommendation of the Board. All records and minutes of the deliberations and proceedings of the Board, including examination papers and other confidential documents, shall be kept by the Professional Regulation Commission under the direct custody of the Secretary of the Board of Cosmetology.

The Secretary shall also keep a complete register of all persons to whom certificates of registration as cosmetologists have been issued, indicating the name, sex, age, date and place of birth, post office address, the name of the school or institute where the registrants graduated, date of graduation, and the date when he or she passed the qualifying examinations.

SEC. 15. *Annual Report.* – The Board shall, within sixty (60) days after the close of each year, prepare and submit an annual report to the President of the Philippines which shall include a detailed account of the proceedings of the Board during the year, an up-to-date registry of cosmetologists in the country, and embodying such recommendation as the Board may desire to make.

SEC. 16. **Exception.** – The license requirements shall not apply to any student enrolled in a practicum course in cosmetology under the supervision of a licensed cosmetology.

SEC. 17. **Ratings.** – The Board shall fix the passing grade for every scheduled examination.

SEC. 18. **Results of Examination.** – The Board shall, within one hundred (100) days after the last day of examination, report the ratings obtained by each candidate to the Professional Regulation Commission, for release. Failure on the part of the Board to report the ratings within the specified time shall mean forfeiture of the percentage of compensation due the members of the Board in that particular examination.

SEC. 19. **Oath.** – All successful examinees for licensure shall be required to take an oath of office at such place and time as the Board may schedule. In the event of failure to participate in the mass oath taking, the applicant concerned may take an oath before any person authorized to administer oaths prior to entering into the practice of cosmetology.

SEC. 20. **Issuance of License.** – The Commission shall, upon the recommendation of the Board, issue a license to any applicant who has satisfactorily met all the requirements including the payment of the required registration fee .

SEC. 21. ***Fees.*** – The fees and other charges for the examination and registration shall be prescribed by the Professional Regulation Commission upon recommendation of the Board.

SEC. 22. ***Subsequent Examinations.*** – A candidate who fails for three successive examinations may be allowed to take another set of examinations only after he or she submits to the Board a certification from a cosmetology school or institute that the candidate has enrolled in a refresher course and has been credited with at least twelve (12) units in cosmetology.

SEC. 23. ***Reciprocity.*** – A license may be issued without examination to a cosmetologist licensed under the laws of any foreign state or country: *Provided*, That the requirements for licensing of cosmetologists in such foreign state or country are substantially the same as those provided in this Act and that the laws of said state or country grants a reciprocal privilege to Filipino cosmetologists.

SEC. 24. ***Renewal of Licenses.*** – All licenses shall be renewable every three (3) years and shall be considered renewed only upon payment of the corresponding fees as may be fixed by the Board.

SEC. 25. ***Non-Issuance of License.*** – The Board shall not issue a license to any person convicted by a court of competent jurisdiction of any crime involving moral turpitude or found to be of unsound mind; or found to have displayed an immoral or dishonorable conduct by any administrative

agency, furnishing the party concerned a written statement containing the reasons for such action, which statement shall be incorporated in the records of the Board.

SEC. 26. *Revocation or Suspension of Certificates.* – The Board shall have the power, upon proper notice and hearing, to suspend or revoke any Certificate of Registration of any registrant for any cause specified in the preceding section, or for the use of, perpetration of any fraud or deceit in obtaining a Certificate of Registration, or for gross negligence or incompetence or for unprofessional or dishonorable conduct: *Provided, however,* That the action of the Board shall be subject to appeal to the Commissioner whose decision shall be final.

Any person, firm, association or corporation, may file charges in accordance with the provisions of this section against any registrant, or the Board may investigate or take cognizance of acts and practices constituting cause for suspension or revocation of the Certificate of Registration by proper resolution or order. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

SEC. 27. *Reissue of Revoked Certificate and Replacement of Lost Certificates.* – A person may apply to the Board for reinstatement of a license or certificate at any time after one (1) year from the date of

revocation of said license or certificate. The application shall be in writing and shall conform with the requirements as provided by the Board. No license or certificate shall be reissued unless the Board is satisfied that a good cause exists to warrant such reinstatement.

A new Certificate of Registration to replace any certificate that has been lost, destroyed or mutilated may be issued, subject to the rules of the Board.

SEC. 28. *Prohibited Acts.* – (a) No person shall:

- (i) Engage in the practice of cosmetology by representing himself or herself as a cosmetologist when he or she is without a license issued by the Board pursuant to this Act;
- (ii) Represent himself or herself as a licensed cosmetologist during the time that his or her license or certificate has been suspended or revoked;
- (iii) Allow anybody to use his or her license as a cosmetologist to enable such unqualified individual to engage in the practice of cosmetology.

(b) No corporation, partnership, or juridical person shall operate a salon, beauty parlor, skin, facial and body care treatment center, clinic or otherwise engage in the practice of cosmetology without securing a permit from the Board which shall be issued only after it has satisfied itself that

such establishment is properly manned by a duly licensed cosmetologist and equipped with sufficient and adequate cosmetological instruments and facilities; and

(c) Any unethical practice of cosmetology as may be defined by the Board.

SEC. 29. **Penalties.** – Any person, corporation, partnership or juridical person who violates any provision of this Act shall be punished with imprisonment of not less than three (3) years but not more than eight (8) years, or a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Fifteen Thousand Pesos (P15,000.00), or both, in the discretion of the Court.

If the offender be a corporation, partnership or juridical person, the penalty shall be imposed on the officer or officers responsible for permitting or causing a violation by the corporation, partnership or juridical person of the provisions of this Act.

SEC. 30. **Regulatory Function.** – The Board may initiate action to enjoin, restrain, and prosecute any unlicensed or uncertified individual, corporation, association, partnership or entity operating or engaging in the practice of cosmetology, in violation of this Act.

SEC. 31. *Separability Clause.* – In case any provision of this Act is found to be unconstitutional or invalid, the remainder thereof which are not affected by such declaration shall remain in full force and effect.

SEC. 32. *Repealing Clause.* – All laws, decrees, rules or regulation which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 33. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,